

RONDA MCNAE REDACTED Vol. 1 Confidential
FITZGERALD V MCNAE

April 28, 2023

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IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO.: 1:22-CV-22171-JEM

MICHAEL J. FITZGERALD,
individually, and YELANY DE
VARONA, individually,

Plaintiffs,
vs.

RONDA MCNAE, individually, and
WILLIAM MCNAE, individually,

Defendants.

/

PORTIONS OF THIS TRANSCRIPT HAVE BEEN DECLARED
CONFIDENTIAL

VIDEOTAPE DEPOSITION OF
RONDA MCNAE

VOLUME 1
Pages 1 through 453

Friday, April 28, 2023
9:34 a.m. - 8:24 p.m.

ASSOULINE & BERLOWE, P.A.
Miami Tower
100 SE 2nd Street
Suite 3105
Miami, Florida 33131

Stenographically Reported By:
Alexa Goldman, FPR

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1 video work with a company called Go Net Yourself, and
2 that is when I believe my husband had mentioned him.

3 Q. Do you remember what your husband told you
4 about Mr. Fitzgerald?

5 A. Very little bit. Just that he's a funny
6 guy, nice guy.

7 Q. Did he think you would like him?

8 A. He did not say that.

9 Q. So, prior to you -- when did you first meet
10 Mr. Fitzgerald in person?

11 A. I met him in person July 31st, 2019.

12 Q. And prior to you meeting him July 31st,
13 2019, other than your husband telling you that he met
14 him -- did you say nice guy or funny guy?

15 MS. CASEY: Objection to the form.

16 A. Both.

17 BY MS. GUSSIN:

18 Q. Did you hear anything else about him?

19 A. I did. A couple -- it was while he was in
20 town Will had mentioned a few things about him.

21 Q. Do you remember what Will mentioned about
22 him?

23 A. That his dad had recently died.

24 Q. Did Mike Fitzgerald tell Will that
25 directly?

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1 Q. But do you have any memories of having sex
2 with him in the shower?

3 A. No.

4 Q. Did you have sex at any other time the
5 weekend in Miami?

6 A. No.

7 Q. Do you remember -- do you have a memory of
8 saying, "ouch" when you were in the shower with your
9 husband?

10 A. I don't remember having sex with my
11 husband.

12 Q. So, was your last -- what memory do you
13 have after remembering that Will woke you up from
14 sleeping on the couch?

15 MS. FOTIU-WOJTOWICZ: Mr. McNaes.

16 BY MS. GUSSIN:

17 Q. Sorry. Mr. McNaes.

18 A. Going to bed.

19 Q. You remember going to bed?

20 A. Vaguely. I remember being woken up and
21 going to the room, but that was about it.

22 Q. You have since stated that you were blacked
23 out drunk that evening; is that correct?

24 A. Yes.

25 Q. How do you know that you were blacked out?

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1 A. It's my understanding if can't remember
2 parts of what happened the night before, that is
3 what's considered blacked out drunk.

4 Q. Did you ever talk to any professional to
5 ascertain if you were blacked out that night?

6 A. Many.

7 Q. Okay. What professionals did you speak
8 with to determine if you blacked out that night?

9 A. My counselor.

10 Q. Name please?

11 A. Sarah Dellinger.

12 Q. Did Sarah Dellinger confirm you were
13 blacked out drunk that night?

14 A. I don't know anyone can officially confirm
15 that without being there or giving you a blood
16 alcohol test or whatnot. Based on my recollection of
17 the memories and fragmented memories and behavior,
18 yes.

19 Q. Other than Sarah Dellinger, did any other
20 professional tell you or help you ascertain that you
21 were blackout drunk that night?

22 A. I can't remember.

23 Q. Did you talk to Brock Weedman about it?

24 A. Yes.

25 Q. Okay. Mike didn't know you were blacked

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1 A. Yes.

2 BY MS. GUSSIN:

3 Q. Okay. You picked him up at the airport in
4 San Francisco; is that correct?

5 A. That's correct.

6 Q. Okay. Why did you pick him up at the
7 airport in San Francisco?

8 A. I picked him up. He asked if I could pick
9 him up, so I picked him up.

10 Q. Okay. And prior to you picking him up at
11 the airport, did you have any conversations with
12 Mr. Fitzgerald in which you discussed what the
13 subjects you need to discuss were?

14 A. Just what happened in Miami.

15 Q. Did he know at the time that you were
16 concerned that perhaps Miami was not consensual?

17 A. No.

18 MS. FOTIU-WOJTOWICZ: Objection to the form
19 of the question.

20 BY MS. GUSSIN:

21 Q. So, you never told him that you were
22 concerned that Miami was not consensual?

23 A. I did not acknowledge it.

24 Q. You stated you had some questions about
25 Miami; is that correct?

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1 Q. What was the intention when you went to the
2 hotel room, dropped off your suitcase, when there was
3 one bed in one hotel bedroom?

4 A. To drop off my suitcase and then to go
5 explore the city.

6 Q. But what was your intention as to where you
7 were going to sleep on that evening after exploring
8 the city?

9 A. I typically book things last minute. So, I
10 didn't have any plan or idea of what was going to
11 happen. I just wanted to drop things off and be able
12 to walk around before the sun went down.

13 Q. Was your plan to get a hotel room later in
14 the day?

15 A. Again, I did make a comment saying, I will
16 get my own hotel room. And he stated, Why would you
17 do that?

18 Q. And what did you say when he said, Why
19 would you do that?

20 A. I said nothing.

21 Q. But why didn't you get your own hotel room?

22 A. I said nothing.

23 Q. But why didn't you get your own hotel room?

24 A. I don't know.

25 Q. And what did you do, did you walk around

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1 impression that you were in love with Mike?

2 MS. FOTIU-WOJTOWICZ: Objection to the form
3 of the question.

4 A. Well, I also understand he is seeing and
5 knowing this one piece. So, he doesn't know who I
6 am. And when I say, Oh, I love ya, that could be
7 taken many different ways.

8 BY MS. GUSSIN:

9 Q. When you sent these messages to Tom Wiper
10 were you concerned that the phrase "I love the guy"
11 could get taken out of context?

12 MS. FOTIU-WOJTOWICZ: Objection to the form
13 of the question.

14 MS. CASEY: Objection to the form of the
15 question.

16 A. As I read this today, 100 percent.

17 BY MS. GUSSIN:

18 Q. When you sent these instant messages to Tom
19 Wiper, were you writing these messages because you
20 were concerned that you had been raped by
21 Mr. Fitzgerald?

22 MS. FOTIU-WOJTOWICZ: Objection to the form
23 of the question.

24 A. Again, being that this was in November of
25 2019, I didn't acknowledge that I was raped until

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1 January, February of 2020.

2 BY MS. GUSSIN:

3 Q. During the deposition of Mr. McNae
4 yesterday, we talked about the phrase "brother
5 husbands," do you remember hearing that conversation?

6 A. Yes.

7 Q. What is the phrase "brother husbands"?

8 A. It is a silly joke that we have made
9 between my husband and I, even with my sister when
10 she helps out or makes dinner for us, we'll go,
11 "sister wives." Very innocent.

12 Q. Did you refer to your husband and
13 Mr. Fitzgerald as brother husbands?

14 A. As a joke.

15 Q. And if we can refer, please, to Exhibit 30
16 which is the three-way text messages.

17 A. I should have done a better job of
18 organizing.

19 MS. FOTIU-WOJTOWICZ: I'll organize them
20 for you.

21 BY MS. GUSSIN:

22 Q. Do you see on McNae 3469 of Exhibit 30?

23 MS. FOTIU-WOJTOWICZ: 3469?

24 MS. GUSSIN: Yeah. Oh, sorry. It's 3468.

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1 A. Did I ever -- sorry, say -- reframe the
2 question.

3 BY MS. GUSSIN:

4 Q. Did you ever retain an attorney to assist
5 you in bringing a lawsuit against Mr. Fitzgerald in
6 the state of California or the state of Washington?

7 A. I have never retained an attorney in either
8 Washington or San Francisco aside from the attorney
9 in Washington who helped with the contract.

10 Q. Is that Mr. Max Meyers?

11 A. Yes.

12 Q. Did you ever interview any attorneys in
13 either the state of California or the state of
14 Washington in contemplation of bringing a lawsuit
15 against Mr. Fitzgerald?

16 A. Yeah, back where there was a period of time
17 I debated.

18 Q. What were the names of the attorneys you
19 met with?

20 A. I would not know the names. I would not
21 recall.

22 Q. Did you, in fact, meet with any attorneys?

23 A. Not in person.

24 Q. Did you call attorneys?

25 A. I received a few calls.

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1 settlement agreement and receiving money from
2 Mr. Fitzgerald?

3 MS. FOTIU-WOJTOWICZ: Objection to the form
4 of the question.

5 MS. CASEY: Objection to the form of the
6 question.

7 A. I believe you're mischaracterizing the
8 sequence of events how that happened.

9 BY MS. GUSSIN:

10 Q. Was entering the settlement agreement a way
11 for you to get money out of Mr. Fitzgerald?

12 MS. FOTIU-WOJTOWICZ: Objection to the form
13 of the question.

14 A. Mr. Fitzgerald had offered to pay for
15 counseling. He admitted the harm he had done to me
16 and my family. He paid, and then stopped paying
17 saying I needed to sign an agreement.

18 BY MS. GUSSIN:

19 Q. Wasn't it your idea initially that
20 Mr. Fitzgerald pay you emotional distress money?

21 MS. FOTIU-WOJTOWICZ: Objection to the form
22 of the question.

23 A. That was a joke, and that was something
24 that Yelany also helped instigate.

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1 says, "I will support you if you want me to, that
2 goes without saying." You respond at 11:13, "I sure
3 hope you support me given the circumstances. I'm
4 prepared to deal with the consequence of my actions
5 and choices. I do not expect you to be present in
6 our lives, at least physically present."

7 Then you say February 2nd, 2020, at 12:32,
8 "I also don't think it's at all fair to financially
9 raise a kid on my own." And then you say on
10 February 2nd, 2020 at 1543, "Now would it be
11 appropriate to ask B to send me the ring you got her?
12 Tell her I need to borrow it. You think I'm
13 kidding."

14 Then on February 2nd, 2020, at 2136, "Oh,
15 can I expect to get balloons and flowers saying
16 congratulations, you'll be the size of a beached in
17 no time."

18 Does any of this refresh your recollection
19 as to asking Mr. Fitzgerald for financial support?

20 A. Yes.

21 Q. Do you remember asking Mr. Fitzgerald to
22 get you a goldendoodle?

23 MS. FOTIU-WOJTOWICZ: Objection to the form
24 of the question.

25 A. Where do you see that?

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1 BY MS. GUSSIN:

2 Q. If you don't remember, you can just say you
3 don't remember. I'm just asking if you remember
4 asking for a goldendoodle?

5 A. I didn't know if you were asking about a
6 specific part. No, I don't remember.

7 Q. Do you remember asking Mr. Fitzgerald for
8 fat clothes?

9 A. I don't remember.

10 Q. Do you remember asking Mr. Fitzgerald for a
11 push present?

12 A. I don't recall at this exact moment.

13 Q. Do you recall asking Mr. Fitzgerald for
14 Alexander McQueen sneakers?

15 A. I do not recall in that text messages.

16 Q. Do you remember on February 3rd, 2020, at
17 1359, you brought up the idea of signing an NDA on
18 the bottom of McNae 2092?

19 A. That was a joke.

20 Q. Did he know you were joking?

21 MS. FOTIU-WOJTOWICZ: Objection to the form
22 of the question.

23 MS. CASEY: Objection to the form of the
24 question.

25 A. I don't know.

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1 BY MS. GUSSIN:

2 Q. Did you tell him you were joking?

3 A. On the following page I said, "Oh, my God,
4 you didn't say no."

5 Q. Right. So?

6 A. It's my way of saying, Oh, you're serious.

7 Q. Okay. And then on February 3rd, 2020, at
8 2031, you bring it up again, "Are you typing up your
9 NDA right now?"

10 A. Again, me joking and that was just how I
11 was choosing to engage in that conversation at that
12 moment.

13 Q. Okay. Do you recall sending Mr. Fitzgerald
14 pictures of your belly so he would believe you were
15 pregnant and starting to show?

16 A. Yes.

17 Q. Do you recall telling Mr. Fitzgerald you
18 going to need a calculator to help figure out how
19 much it would cost to support a baby?

20 A. Yes. With Yelany's help.

21 Q. Why didn't you tell Mike in any of these
22 text messages that you believe he raped you?

23 MS. FOTIU-WOJTOWICZ: Objection to the form
24 of the question. Mischaracterizes the document.

25 A. What was your question?

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1 admit every single lie he's ever told.

2 MS. GUSSIN: Okay.

3 MS. FOTIU-WOJTOWICZ: Let's take a break.

4 THE VIDEOGRAPHER: The time is now
5 7:45 p.m. We're going off the record.

6 (Thereupon, a break was taken from
7 7:45 p.m. to 7:54 p.m., after which the following
8 proceedings were held:)

9 THE VIDEOGRAPHER: The time is 7:54 p.m.
10 We're back on the record.

11 MS. FOTIU-WOJTOWICZ: Okay. For the
12 record, the defendant Ronda McNae stipulates that the
13 Statements 1 through 10 that have been marked
14 Exhibit 14 through 23, were authored by her,
15 authored, posted, stated by her.

16 MR. BERLOWE: Ronda McNae?

17 MS. FOTIU-WOJTOWICZ: Ronda McNae. And not
18 necessarily that they were all in their complete
19 context, but the statements as marked where, you
20 know, some of them include statements from others,
21 but where it says Ronda McNae or the Instagram post
22 says Ronda McNae, those statements were made by
23 Mrs. McNae.

24 MS. GUSSIN: Can we also stipulate that
25 Mrs. McNae entered into Exhibit 13, which is the

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1 confidential settlement agreement?

2 MS. FOTIU-WOJTOWICZ: We can stipulate that
3 her signature is on that contract. You can just ask
4 her that one.

5 BY MS. GUSSIN:

6 Q. Ms. McNae, I'm going to show you what's
7 been previously marked as Exhibit 13. Do you
8 recognize this document?

9 A. I do.

10 Q. Is that your initial on bottom of pages one
11 through five of Exhibit 13?

12 A. My initials and where I signed is the only
13 thing I recognize about this document.

14 Q. You had an attorney that you hired to help
15 you negotiate Exhibit 13; is that correct?

16 MS. FOTIU-WOJTOWICZ: Objection to the form
17 of the question.

18 A. I will testify that I initialed and signed
19 this document.

20 BY MS. GUSSIN:

21 Q. Were you in the presence of anyone when you
22 initialed and signed Exhibit 13?

23 A. Just my husband.

24 Q. Did you initial and sign Exhibit 13 at your
25 home?

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1 A. I don't recall where we were, but nobody
2 went through this document with me. I just signed
3 it.

4 Q. Did you ask your attorney to review the
5 document with you prior to your signing it?

6 MS. FOTIU-WOJTOWICZ: Objection to the form
7 of the question.

8 MS. CASEY: Objection to the form of the
9 question.

10 MS. FOTIU-WOJTOWICZ: Instruct the witness
11 not to answer that question on attorney-client
12 privilege.

13 BY MS. GUSSIN:

14 Q. Are you now claiming that you signed
15 Exhibit 13 under duress?

16 MS. FOTIU-WOJTOWICZ: Objection to the form
17 of the question.

18 A. Being that I needed -- I didn't have the
19 financial means for counseling and Mr. Fitzgerald had
20 paid a month and said I needed to sign a contract
21 before he continued and I did need the financial
22 resources to go to counseling five times a week, I
23 initialed and I signed this agreement, but I did not
24 understand what I was signing.

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1 BY MS. GUSSIN:

2 Q. So, when you signed Exhibit 13 without
3 understanding what you were signing, did you have any
4 intent to comply with the terms set forth in
5 Exhibit 13?

6 MS. FOTIU-WOJTOWICZ: Objection to the form
7 of the question.

8 MS. CASEY: Same objection.

9 A. Sorry, repeat the question.

10 MS. GUSSIN: Sorry, Alexa.

11 (Requested portion read back.)

12 A. I signed this believing I was able to talk
13 about things generically and I lost my chance to
14 report to law enforcement. That is the extent about
15 what I knew about this contract.

16 BY MS. GUSSIN:

17 Q. It is your belief Exhibit 13 prohibited you
18 from speaking to law enforcement?

19 MS. FOTIU-WOJTOWICZ: Objection to the form
20 of the question.

21 A. Since I did not read this thoroughly nor
22 had anyone gone through each line item, I didn't
23 understand fully what I was signing.

24 BY MS. GUSSIN:

25 Q. Did anyone tell you that you couldn't

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1 report to law enforcement after signing Exhibit 13?

2 MS. FOTIU-WOJTOWICZ: Objection to the form
3 of the question. Instruct the witness not to answer
4 if the answer calls for any information that's been
5 provided to you by any attorney.

6 A. Sorry. Repeat the question.

7 BY MS. GUSSIN:

8 Q. Did anyone tell you that by signing
9 Exhibit 13 you were prohibited from going to law
10 enforcement?

11 MS. FOTIU-WOJTOWICZ: Same objection.

12 A. Attorney-client privilege.

13 BY MS. GUSSIN:

14 Q. Did you ask your attorney?

15 A. Attorney-client privilege.

16 Q. You talked to Tami Wakasugi about this
17 exhibit; is that correct?

18 A. I did.

19 Q. Exhibit 13.

20 Is Tami Wakasugi an attorney?

21 A. She is not. She's a friend and an
22 employer.

23 Q. Other than Tami Wakasugi, did you discuss
24 Exhibit 13 with anyone?

25 A. I don't remember.

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1 A. Senior tech correspondent with Business
2 Insider.

3 Q. Did you reach out to Ashley Stewart on
4 July 15th, 2022?

5 A. According to this document in front of me,
6 yes.

7 Q. In this correspondence, which is marked
8 Exhibit 132, did you forward to Ashley Stewart
9 communication between Mr. McNae and SoftwareONE?

10 MS. FOTIU-WOJTOWICZ: I'm sorry, can you
11 say that again.

12 | (Requested portion read back.)

13 A. I forwarded the email that my husband, Will
14 McNae, authored to Ashley Stewart.

15 BY MS. GUSSIN:

16 Q. Do you see in Exhibit 132 Mr. Fitzgerald is
17 referenced by name?

18 A. I see that.

19 Q. Okay. Now I'm going to show you what I'm
20 going to mark as Exhibit 133.

21 | (Thereupon, Exhibit 133 was marked.)

22 BY MS. GUSSIN:

Q. Which is McNae 2230 through McNae 2278.

24 | Who is Gretchen Carlson?

25 A. Gretchen Carlson worked for Fox News, and

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1 she was a part of a pretty large NDA scandal.

2 Q. Who is Julie Roginsky?

3 A. That is her partner. They both started a
4 non-profit organization to help women in situations
5 like these.

6 Q. Do you know who is Sarvenaz Bakhtiar?

7 A. I don't recall.

8 Q. And is Exhibit 133 an email dated
9 January 20th, 2022, from you to Julie Roginsky,
10 Gretchen Carlson, and Sarvenaz Bakhtiar?

11 A. I'm sorry, what was the question?

12 Q. Whether Exhibit 133 was an email from you
13 dated January 20th, 2022, to Julie Roginsky, Gretchen
14 Carlson, and Sarvenaz Bakhtiar?

15 A. Yes.

16 Q. Do you see the subject of the email on
17 Exhibit 133 is: Settlement agreement final signed by
18 all parties 61520.PDF?

19 A. Yes.

20 Q. Did you send a copy of the confidential.
21 settlement agreement to Julie Roginsky, Gretchen
22 Carlson, and Sarvenaz Bakhtiar on January 20th, 2022?

23 A. I did.

24 Q. Other than Ashley Stewart and Gretchen
25 Roginsky, have you sent any communication regarding

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1 Mr. Fitzgerald to any third parties?

2 MS. FOTIU-WOJTOWICZ: Objection to the form
3 of the question.

4 MR. BERLOWE: You said the names wrong.

5 BY MS. GUSSIN:

6 Q. Other than Ashley Stewart, Julie Roginsky,
7 Gretchen Carlson, and Sarvenaz Bakhtiar, have you
8 communicated with other third parties about
9 Mr. Fitzgerald?

10 MS. FOTIU-WOJTOWICZ: Objection to the form
11 of the question time frame.

12 BY MS. GUSSIN:

13 Q. Since June of 2020?

14 A. I don't remember.

15 Q. Is there anything that would help refresh
16 your recollection?

17 A. At the moment my brain is a little fried.

18 Q. Have you reached out to any other public
19 figures other than the ones we have already gone
20 through in Exhibits 132 and 133?

21 A. I don't recall at the moment.

22 Q. Did you reach out to someone at ABC News?

23 A. At the moment I do not recall.

24 Q. Was there someone named John Quinones you
25 reached out to?